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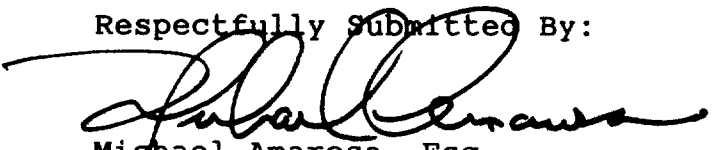
Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of ) PR Docket No. 92-235  
Replacement of Part 90 by )  
Part 88 to Revise the Private )  
Land Mobile Radio Services and )  
the Policies Governing Them )

To: The Commission

REPLY COMMENTS OF The New York City Police Department (NYPD) in  
response to the above captioned Notice of Proposed Rule Making.

Respectfully Submitted By:

  
Michael Amarosa, Esq.  
Director of Communications  
New York City Police Department

Date: 28th of July, 1993

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The City of New York Police Department (NYCPD), the largest law enforcement agency in the United States, offers the following comments to the subject docket "Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and the Policies Governing Them."

The New York Metropolitan Area is the most populous center in the United States. At the core of that area is New York City, which covers 324 square miles and has a population of over 8 million people. In addition, over 3.5 million people come to work in the City each day, and more than 25 million people visit the City each year. The NYCPD is responsible for ensuring the safety and well being of each and every one of these people.

The sheer size and density of the area's resident, working and visitor populations present unique challenges to law enforcement and require an enormous investment in communications equipment. The NYCPD alone operates and maintains a radio network serving 19,500 portable units and 2,500 mobile radio units. This radio network utilizes 55 channels in the UHF 470-512 MHz bands, 250 console bases, 118 repeater stations, 50 Emergency control Stations, and 1,200 Satellite Receivers to provide inter-communication between 75 Precinct Houses, hundreds of Specialized Commands, 4,000 Patrol Vehicles, and 3,000 walking "beat" police officers.

Our 3,000 walking "beat" police officer force is being increased to 5,000 persons to address the City's commitment to

community policing. This initiative will create a corresponding

interoperability among City agencies serving the metropolitan New York City area. Recent terrorist events in New York City have once again focused on the need to intercommunicate among agencies as well as to provide critical additional communications capacity at the scenes of disasters, both within city boundaries <sup>1</sup> and in adjacent jurisdictions. <sup>2</sup>

In order to find relief from the frequency spectrum shortages which inhibit the efforts of the NYCPD, other city Agencies<sup>3</sup> and surrounding public safety agencies, a committee known as the New York Public Safety Agencies (NYPSA) was formed. <sup>4</sup>

On February 24, 1992, this committee filed a Joint Request for Waiver of Parts 2 and 90 of the Federal Communications Commissions's Rules and Regulations to permit operation of Public Safety Radio Service two-way radio stations on frequencies in the 482-488 MHz band (TV channel 16). NYPSA's petition requested this waiver to provide additional TV Channel sharing adjacent to the existing land mobile stations presently operating throughout the

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1. Terrorist bombing World Trade Center, Manhattan.

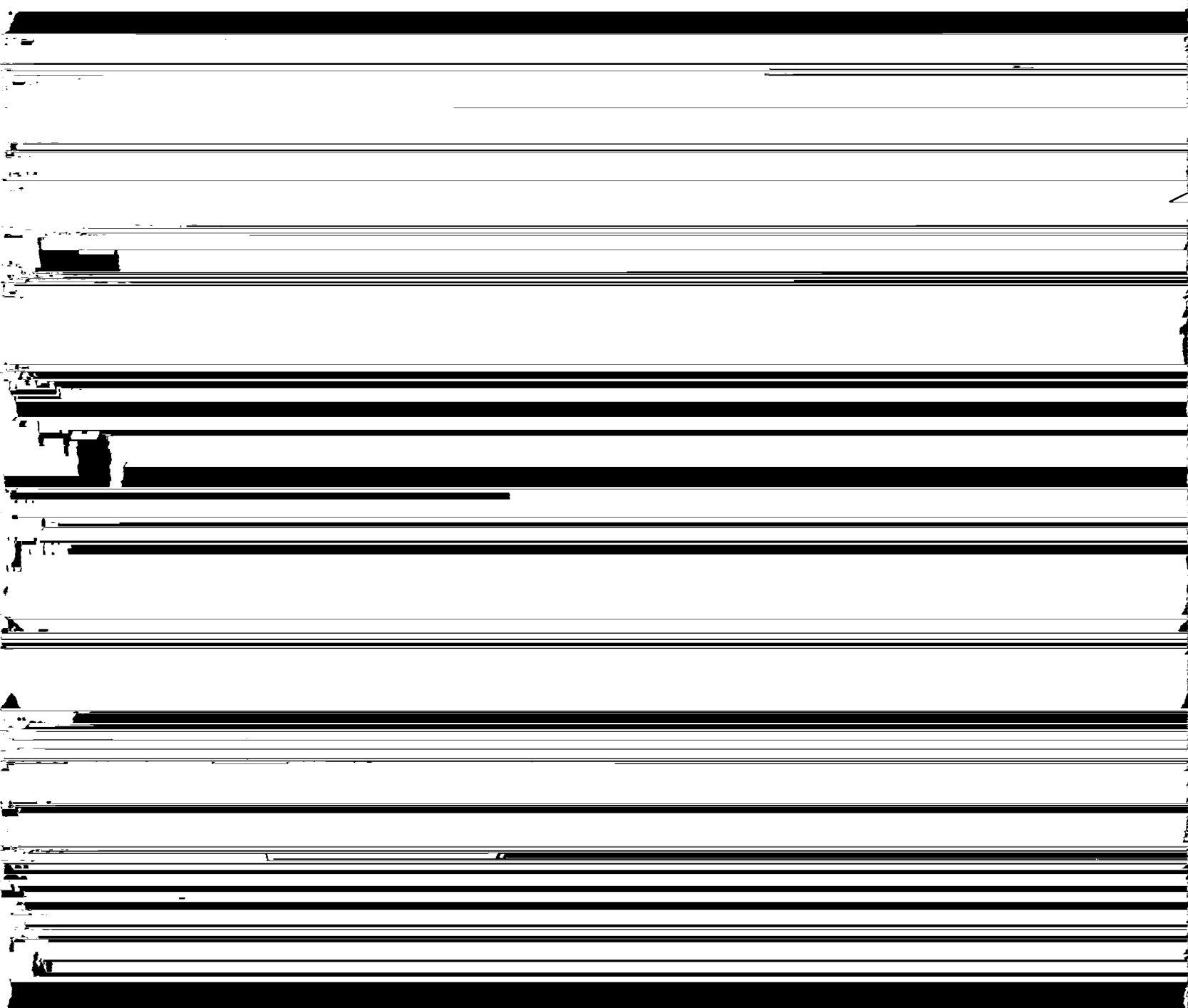
2. Avianca Airline crash, Nassau County.

3. NYC Police Dept, NYC Fire Dept, NYC Emergency Medical Service, NYC Dept of Correction, NYC Transit Police, NYC Dept of Transportation, NYC Health and Hospitals Corp Police, NYC Dept of Parks and Recreation.

4. Nassau County Police Dept, Elmont Fire District, (Nassau County), The Town of Islip (Suffolk County), and the Bergen County Police in New Jersey.

New York metropolitan area on TV channels 14 and 15. <sup>1</sup>

In connection with this background of spectrum shortage, the New York City Police Department recognizes and commends the commission for undertaking one of a limited number of actions possible to providing spectrum relief, relief that is desperately needed by public safety entities operating in major metropolitan



pending waiver request, will provide the correct combination of spectrum for NYCPD to provide the necessary communications capability needed to bring us safely into the next century.

Accordingly, the NYCPD respectfully files its reply comments in support of comments filed by the Associated Public Safety Communications Officers, Inc. (APCO), the Land Mobile Communications Council (LMCC), the Public Safety Communications Council (PSCC), and the International Association of Chiefs of Police (IACP).

However, the New York City Police Department proposes that in the 470-512 band, intensive loading be used as the justification for exclusivity and to cap further licensing for the entire urban market, as proposed in the Commission's rules.<sup>1</sup>

In addition, the NYCPD proposed the privilege of an existing licensed Law Enforcement entity to retain the first right of refusal ~~for any additional channels created as a result of the~~

representing the NYCPD's proposed change. <sup>1</sup>

(B) Covert and Surveillance Type Operations based upon a leading factor that would equal four (4) times the Commission's proposed exclusively loading criteria for Public Safety systems in the 470-512 MHz Band. Meeting this increased loading criteria would guarantee exclusive use of the frequency and cap any further licensing in the entire urban market so as to designate this channel for tactical and surveillance use only.

The current provisions for Public Safety Covert Operations, as proposed in the Commission's Rules <sup>2</sup>, do not address the unique needs of many Public Safety Agencies, and specifically Law Enforcement entities, in that Non-System use of a particular frequency is not afforded the same level of protection that System use would provide. Typically, in a covert/surveillance type operation, low powered portable radio equipment and mobile radio equipment is utilized in a point-to-point application, with no Base Station/Repeater or Dispatcher interface.

If, as the commission proposed, such operations be permitted ~~only as Secondary in nature and on any other Public Safety Mobile~~

~~Special Agent~~ ~~unsubstantiated~~ ~~allegations~~ medical needs require